

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0068-02
Bill No.: Perfected HCS for HB 29
Subject: Health Care; Health Care Professionals; Liability
Type: Original
Date: March 14, 2011

Bill Summary: This legislation establishes the Volunteer Health Services Act which allows for licensed health care professionals to provide volunteer services for a sponsoring organization.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue Fund	Unknown	Unknown	Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Insurance Dedicated Fund	\$5,000	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$5,000	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	Unknown FTE	Unknown FTE	Unknown FTE
Total Estimated Net Effect on FTE	Unknown FTE	Unknown FTE	Unknown FTE

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Sections 191.1100 - 191.1112:

Officials from the **Office of the State Courts Administrator, Missouri State Treasurer, Department of Mental Health** and the **Office of Administration-Budget and Planning** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Department of Health and Senior Services (DHSS)** states the number of sponsoring organizations (any organization that organizes or arranges for the voluntary provision of health care services and registers with the DHSS as a sponsoring organization) is unknown. As a result, the number of registrations and the resulting fee revenue (\$50 X the number of registrations) is unknown.

Since DHSS, Division of Regulation and Licensure does not know the number of potential sponsoring organizations, the number of staff and the related costs that would be required to administer the program is also unknown.

Officials from the **Office of Administration-General Services** states the proposal has the potential for savings to the Legal Expense Fund (LEF) if the medical professionals that are currently covered under this act are indemnified and if they do not seek coverage under the LEF, unless the provider rendered services outside the scope of his or her license or engaged in gross negligence or willful misconduct in which case the LEF could be responsible for payment.

Oversight assumes, because the potential for savings is speculative, that the OA-GS will not incur significant savings related to this proposal.

Officials from the **Office of the Attorney General (AGO)** state the proposal authorizes the applicable licensing board to refer cases to the AGO to pursue injunctive relief for violations. AGO assumes that there would not be many such referrals and that any potential costs can be absorbed with existing resources; if significant referrals result, however, AGO may seek an additional appropriation to handle the caseload.

ASSUMPTION (continued)

Officials from the **Department of Insurance, Financial Institutions and Professional Registration** state insurers would be required to submit amendments to their policies to comply with legislation. Policy amendments must be submitted to the Department for review along with a \$50 filing fee. The number of insurance companies writing these policies in Missouri fluctuates each year. One-time additional revenues to the Insurance Dedicated Fund are estimated to be up to \$5,000.

Additional staff and expenses are not being requested with this single proposal, but if multiple proposals pass during the legislative session which require policy form reviews the Department will need to request additional staff to handle increase in workload.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
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GENERAL REVENUE FUND

<u>Income</u> - Department of Health and Senior Services	Unknown	Unknown	Unknown
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<u>Costs</u> - Department of Health and Senior Services			
Personal Service	(Unknown)	(Unknown)	(Unknown)
Fringe Benefits	(Unknown)	(Unknown)	(Unknown)
Equipment and Expense	(Unknown)	(Unknown)	(Unknown)
Program Costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>Total Costs</u> - DHSS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
FTE Change - DHSS	Unknown FTE	Unknown FTE	Unknown FTE

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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Estimated Net FTE Change for General Revenue Fund	Unknown FTE	Unknown FTE	Unknown FTE
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*Oversight assumes income will exceed costs.

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2012 (10 Mo.)	FY 2013	FY 2014
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INSURANCE DEDICATED FUND

Income - Department of Insurance,
 Financial Institutions and Professional
 Registration

Additional Revenue	<u>\$5,000</u>	<u>\$0</u>	<u>\$0</u>
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ESTIMATED NET EFFECT ON INSURANCE DEDICATED FUND	<u>\$5,000</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

Sections 191.1100 - 191.1112:

If any of the sponsoring organizations are small business, there would be an unknown impact on them to register and to provide quarterly reports. There would also be a \$50 registration fee.

FISCAL DESCRIPTION

Sections 191.1100 - 191.1112:

This legislation establishes the Volunteer Health Services Act which allows a licensed health care provider to render volunteer professional health care services for a sponsoring organization. Any person with a suspended or revoked license or who renders services outside the scope of his or her license is not eligible to provide services under the legislation. Before a health care professional can provide volunteer services, the sponsoring organization must register with the Department of Health and Senior Services and pay a \$50 fee. A sponsoring organization must file a quarterly voluntary services report with the Department, keep its records of health care provider volunteers up to date, and maintain the records for five years following the service rendered by the health care provider volunteer.

FISCAL DESCRIPTION (continued)

An insurer providing professional liability coverage to a health care provider on or after August 28, 2011, cannot exclude coverage to a health care provider who volunteers his or her health care services if the sponsoring organization and the health care provider comply with the provisions of the legislation.

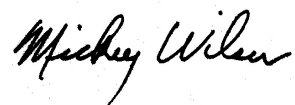
Any health care provider volunteering his or her services will not be liable for any civil damages for any act or omission resulting from his or her service unless there was gross negligence or willful misconduct. A volunteer cannot receive any form of direct or indirect compensation, benefits, or considerations for his or her health care services and must perform acts within the scope of his or her professional license and in compliance with all applicable health care regulations.

Any volunteer crisis response team member who participates in a crisis intervention cannot be liable in tort for any personal injuries or emotional distress of any participant to the intervention that is caused by the act or omission of the team member during an intervention with certain specified exceptions.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration-General Services
Office of the State Courts Administrator
Department of Insurance, Financial Institutions and Professional Registration
Department of Health and Senior Services
Missouri State Treasurer
Office of Administration-Budget and Planning
Office of the Attorney General
Department of Mental Health



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